



PUBLIC EMPLOYMENT RELATIONS COMMISSION

Street: 112 Henry Street NE, Suite 300, Olympia, WA 98506
 Mail: PO Box 40919, Olympia, WA 98504-0919
 Phone: (360) 570-7300 Fax: (360) 570-7334 E-mail: filing@perc.wa.gov

DO NOT WRITE IN THIS SPACE

REQUEST FOR GRIEVANCE ARBITRATION

Instructions: Other side of this form (page 2)

Applicable Rules: Chapters 391-08 and 391-65 WAC.

1. PARTIES The employer and/or employee organization request arbitration of a grievance.

EMPLOYER

CONTACT PERSON
 ADDRESS
 CITY, STATE, ZIP
 TELEPHONE ext.
 FAX
 E-MAIL

ATTORNEY OR REPRESENTATIVE

ADDRESS
 CITY, STATE, ZIP
 TELEPHONE ext.
 FAX
 E-MAIL

EMPLOYEE ORGANIZATION
 CONTACT PERSON
 ADDRESS
 CITY, STATE, ZIP
 TELEPHONE ext.
 FAX
 E-MAIL

ATTORNEY OR REPRESENTATIVE

ADDRESS
 CITY, STATE, ZIP
 TELEPHONE ext.
 FAX
 E-MAIL

EMPLOYER'S PRINCIPAL BUSINESS

DEPARTMENT OR DIVISION INVOLVED

NUMBER OF
EMPLOYEES INVOLVEDDESCRIPTION OF BARGAINING UNIT *Indicate inclusions, exclusions, contract page or case/decision number.*

COLLECTIVE BARGAINING AGREEMENT

 A copy of the applicable collective bargaining agreement is attached.

ARBITRATOR'S DECISION

 The parties agree that the arbitrator's decision shall be final and binding upon them, and may be enforced by a court.

ECONOMIC ACTION WITHHELD

 The parties agree that there shall be no strike or lockout on any matter submitted for arbitration.

2. GRIEVANCE

 The grievance to be determined by the arbitrator is as follows.

3. DESIGNATION OF REQUEST

 The arbitration services requested from the Commission are as follows.

- ☐ JOINT REQUEST FOR ASSIGNMENT OF AN ARBITRATOR FROM THE COMMISSION'S STAFF (WAC 391-65-070); OR
☐ SUPPLY A LIST OF ARBITRATORS FROM THE DISPUTE RESOLUTION PANEL (WAC 391-55-110)

4. AUTHORIZED SIGNATURES

FOR EMPLOYER

PRINT NAME TITLE
 SIGNATURE DATE

FOR EMPLOYEE ORGANIZATION

PRINT NAME TITLE
 SIGNATURE DATE

INSTRUCTIONS FOR GRIEVANCE ARBITRATION FORM *{Do not file this sheet with PERC}*

A. RULES The Public Employment Relations Commission (PERC) provides grievance arbitration services under Chapters 391-65 and 391-08 WAC. Those rules are available from PERC at (360) 570-7300 or on the web at www.perc.wa.gov.

B. WHO CAN FILE Only the employer and/or the exclusive bargaining representative (the parties to the collective bargaining agreement) can file or process a grievance arbitration case. Individual employees do not have legal standing to file or process these cases.

C. FORM Fill in all blanks on the form for which you have information (you are not required to know what representative another party will use).

PARTIES

- C The "Employer" must be a party to the collective bargaining agreement under which the grievance is to be arbitrated.
- C The "Employee Organization" must be the other party to the collective bargaining agreement under which the grievance arises.
- C Employer business examples are: City, County, State Agency, School District, Community College, University, Port District.
- C Department examples are: Police, Fire, Public Works, Corrections, Transportation, Multi-department, Employer-wide.
- C Indicate the number of employees in the bargaining unit.
- C Describe the bargaining unit by listing the types of employees included and excluded, OR insert the number of the contract page where the recognition clause is found, OR insert the case number or decision number from the latest PERC certification or unit clarification.
- C ATTACH a copy of the collective bargaining agreement under which the dispute arises (unbound documents are preferred).

GRIEVANCE Describe the dispute. If more space is needed, ATTACH ADDITIONAL SHEETS containing the information.

DESIGNATION OF REQUEST Indicate the nature of the request:

STAFF ARBITRATORS – PERC assigns members of its staff as arbitrators, without charge to the parties. Grievance arbitration services are subject to interruption or delay, however, if the staff member is assigned other cases of a higher priority.

WAC 391-65-070 GRIEVANCE ARBITRATION -- APPOINTMENT OF STAFF ARBITRATOR. Upon concurrence of the parties or upon the submission of a joint request, a member of the agency staff shall be assigned as grievance arbitrator. The parties shall not be permitted to select a grievance arbitrator from a list of agency staff members, or to exercise a right of rejection on appointments made under this section; but may jointly express a preference for appointment of one or more staff members as their arbitrator, and their request shall be considered in making the assignment. Upon the submission of a request by one party for the appointment of a member of the agency staff as grievance arbitrator, the agency shall determine whether the other party to the collective bargaining agreement concurs in the appointment of a staff arbitrator. In the absence of concurrence, the agency shall notify the requesting party of the lack of concurrence and shall close the case if concurrence is not provided within a reasonable time.

Staff arbitrators are not available for cases arising under Chapter 28B.52 RCW (faculty at community or technical colleges) or under Chapter 41.59 RCW (certificated employees of school districts).

DISPUTE RESOLUTION PANEL – PERC maintains a list of independent professionals qualified to act as arbitrators of labor-management disputes. See WAC 391-55-110. PERC supplies lists of Dispute Resolution Panel members upon request of parties, without charge to the parties. Referrals are generated at random by computer. To reduce the need for parties to request additional lists when one or more listed panel members is unavailable, PERC routinely supplies two more names than are requested by the parties. What the parties do with the extra names is left entirely to the parties. PERC does not become involved in arrangements between parties and Dispute Resolution Panel members selected by the parties. All fees and expenses charged by Dispute Resolution Panel members are the responsibility of the parties.

D. FILING WITH PERC See WAC 391-08-120(1) and (2). Papers are "filed" only when actually received by PERC by ONE of these methods:

- Take or send the papers to PERC's Olympia office (street and mailing addresses at top of form).
- File by fax to (360) 570-7334 PLUS mail the original papers to PERC's Olympia office on the same day.
- File by e-mail attachment to filing@perc.wa.gov PLUS mail the original papers to PERC's Olympia office on the same day.

E. COPIES TO OTHER PARTIES See WAC 391-08-120(3) through (5). A party that files any papers with PERC must give or send a copy to each of the other parties to the case. Service on other parties shall be completed no later than the day the document is filed with PERC.

- Service may be made personally, and is completed when delivered in the manner provided in RCW 4.28.080.
- Service may be made by first class, registered, or certified mail, and is completed upon deposit in the United States mail (properly addressed with postage prepaid).
- Service may be made by commercial parcel delivery company, and is completed upon delivery to the parcel delivery company (properly addressed with charges prepaid).
- Service may be made by fax, and is completed when the sender's fax machine produces a confirmation of transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).
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On the same day that service is completed, the person who completed the service must either: (1) obtain an acknowledgment of service from the person who accepted personal service; or (2) make a certificate of service stating the date of service and the method of service.

F. AGREEMENT TO ARBITRATE The availability of PERC's grievance arbitration services is limited to cases in which the parties have agreed that the decision of the arbitrator will be final and binding upon them.

G. NORMAL CASE PROCESSING The steps that usually occur in the arbitration of a grievance are described in materials available under the "SERVICES" tab on the PERC website: www.perc.wa.gov.



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DO NOT WRITE IN THIS SPACE

PETITION FOR CLARIFICATION OF BARGAINING UNIT

☐ Amended Petition in Case - C - -

Instructions: Other side of this form (page 2) Applicable Rules: Chapters 10-08, 391-08, and 391-35 WAC.

1. PARTIES The employer and/or employee organization request resolution of a dispute about an existing bargaining unit.

EMPLOYER		ATTORNEY OR REPRESENTATIVE	
CONTACT PERSON	ADDRESS	ADDRESS	ADDRESS
CITY, STATE, ZIP	TELEPHONE ext.	CITY, STATE, ZIP	TELEPHONE ext.
FAX	E-MAIL	FAX	E-MAIL
EMPLOYEE ORGANIZATION		ATTORNEY OR REPRESENTATIVE	
CONTACT PERSON	ADDRESS	ADDRESS	ADDRESS
CITY, STATE, ZIP	TELEPHONE ext.	CITY, STATE, ZIP	TELEPHONE ext.
FAX	E-MAIL	FAX	E-MAIL

RELATIONSHIP	EMPLOYER'S PRINCIPAL BUSINESS	DEPARTMENT OR DIVISION INVOLVED	NUMBER OF EMPLOYEES IN UNIT
DESCRIPTION OF BARGAINING UNIT <i>Indicate inclusions, exclusions, contract page or case/decision number.</i>			

HISTORY This bargaining relationship has existed since

COLLECTIVE BARGAINING AGREEMENT *Indicate one.*

- ☐ The parties have never had a contract; OR
☐ A copy of the parties' current (or most recent) collective bargaining agreement is attached.

STATUS OF NEGOTIATIONS *Indicate one.*

- ☐ The parties have a "closed" contract at this time
☐ The parties are currently in contract negotiations

2. IDENTIFICATION OF DISPUTED POSITIONS *For each position, classification or group of employees at issue, list the following:*

TITLE OR DESCRIPTION / NUMBER OF EMPLOYEES NOW INCLUDED/EXCLUDED PARTY SEEKING CHANGE REASON FOR PROPOSED CHANGE

3. OTHER INTERESTED ORGANIZATIONS *Check one.*

- ☐ No other organization is known which claims or may claim the employees involved.
☐ ADDITIONAL SHEETS ARE ATTACHED identifying other employee organizations which claim or may claim to represent the employees involved.

4. OTHER RELEVANT FACTS *Indicate if applicable.*

- ☐ Additional information is set forth on separate sheets of paper attached to this petition.

5. AUTHORIZED SIGNATURES

FOR EMPLOYER

PRINT NAME TITLE
 SIGNATURE DATE

FOR EMPLOYEE ORGANIZATION

PRINT NAME TITLE
 SIGNATURE DATE

INSTRUCTIONS FOR UNIT CLARIFICATION FORM***{Do not file this sheet with PERC}***

A. RULES The Public Employment Relations Commission (PERC) processes unit clarification cases under Chapters 391-35, 391-08, and 10-08 WAC. Those rules are available from PERC at (360) 570-7300 or on the web at www.perc.wa.gov.

B. WHO CAN FILE Only the employer and/or the exclusive bargaining representative (the parties to the bargaining relationship) can file or process a unit clarification case. Individual employees do not have legal standing to file or process these cases.

C. WHEN TO FILE The employer and/or union filing a unit clarification petition must comply with the following time limitations:

WAC 391-35-020 TIME FOR FILING PETITION . . . (1) A unit clarification petition may be filed at any time, with regard to:

- (a) Disputes concerning positions which have been newly created by an employer.
- (b) Disputes concerning the allocation of employees or positions claimed by two or more bargaining units.
- (c) Disputes under WAC 391-35-300 concerning a requirement for a professional education certificate.
- (d) Disputes under WAC 391-35-310 concerning eligibility for interest arbitration.
- (e) Disputes under WAC 391-35-320 concerning status as a confidential employee.
- (f) Disputes under WAC 391-35-330 concerning one-person bargaining units.

(2) A unit clarification petition concerning status as a supervisor under WAC 391-35-340, or status as a regular part-time or casual employee under WAC 391-35-350, is subject to the following conditions:

(a) The signing of a collective bargaining agreement will not bar the processing of a petition filed by a party to the agreement, if the petitioner can demonstrate that it put the other party on notice during negotiations that it would contest the inclusion or exclusion of the position or class through a unit clarification proceeding, and it filed the petition prior to signing the current collective bargaining agreement.

(b) Except as provided under subsection (2)(a) of this section, the existence of a valid written and signed collective bargaining agreement will bar the processing of a petition filed by a party to the agreement unless the petitioner can demonstrate, by specific evidence, substantial changed circumstances during the term of the agreement which warrant a modification of the bargaining unit by inclusion or exclusion of a position or class.

The same rule contains additional limitations on the results of unit clarification proceedings.

D. FORM Fill in all blanks on the form for which you have information (you are not required to know what representative another party will use).

PARTIES

- C Each case must arise out of an employment relationship with a named "Employer" that is subject to PERC jurisdiction.
- C The named "Employee Organization" must be the incumbent exclusive bargaining representative of the bargaining unit to be clarified.

RELATIONSHIP

- C Employer business examples are: City, County, State Agency, School District, Community College, University, Port District.
- C Department examples are: Police, Fire, Public Works, Corrections, Transportation, Multi-department, Employer-wide.
- C Indicate the number of employees in the bargaining unit.
- C Describe the bargaining unit by listing the types of employees included and excluded, OR insert the number of the contract page where the recognition clause is found, OR insert the case number or decision number from the latest PERC certification or unit clarification.
- C Indicate how long the employer and the incumbent exclusive bargaining representative have had a bargaining relationship.
- C ATTACH a copy of the collective bargaining agreement, if one exists (unbound documents are preferred).
- C Indicate the status of any current contract negotiations between the parties.

DISPUTED POSITIONS Identify the positions in dispute. If more space is needed, ATTACH ADDITIONAL SHEETS with the information.

OTHER ORGANIZATIONS If some other employee organization claims, or may claim, to represent the disputed employees/positions, ATTACH ADDITIONAL SHEETS containing the name(s), address(es), names of principal representative(s) and telephone number(s) of all such organizations.

E. FILING WITH PERC See WAC 391-08-120(1) and (2). Papers are "filed" only when actually received by PERC by ONE of these methods:

- Take or send the papers to PERC's Olympia office (street and mailing addresses at top of form).
- File by fax to (360) 570-7334 PLUS mail the original papers to PERC's Olympia office on the same day.
- File by e-mail attachment to filing@perc.wa.gov PLUS mail the original papers to PERC's Olympia office on the same day.

F. COPIES TO OTHER PARTIES See WAC 391-08-120(3) through (5). A party that files any papers with PERC must give or send a copy to each of the other parties to the case. Service on other parties shall be completed no later than the day the document is filed with PERC.

- Service may be made personally, and is completed when delivered in the manner provided in RCW 4.28.080.
- Service may be made by first class, registered, or certified mail, and is completed upon deposit in the United States mail (properly addressed with postage prepaid).
- Service may be made by commercial parcel delivery company, and is completed upon delivery to the parcel delivery company (properly addressed with charges prepaid).
- Service may be made by fax, and is completed when the sender's fax machine produces a confirmation of transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).
- Service may be made by e-mail attachment, and is completed upon transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).

On the same day that service is completed, the person who completed the service must either: (1) obtain an acknowledgment of service from the person who accepted personal service; or (2) make a certificate of service stating the date of service and the method of service.

G. NORMAL CASE PROCESSING The steps that usually occur in unit clarification cases are described in materials available under the "SERVICES" tab on the PERC website: www.perc.wa.gov.

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PETITION FOR INVESTIGATION OF QUESTION CONCERNING REPRESENTATION

☐ Amended Petition in Case - E - -

Instructions: Other side of this form (page 2) Applicable Rules: Chapters 10-08, 391-08, and 391-25 WAC.

The petitioner claims that a question concerning representation exists involving certain employees of the employer named below.

1. EMPLOYER

CONTACT PERSON
 ADDRESS
 CITY, STATE, ZIP
 TELEPHONE ext.
 FAX
 E-MAIL

**ATTORNEY OR
REPRESENTATIVE**

ADDRESS
 CITY, STATE, ZIP
 TELEPHONE ext.
 FAX
 E-MAIL

2. PETITIONER

CONTACT PERSON
 ADDRESS
 CITY, STATE, ZIP
 TELEPHONE ext.
 FAX
 E-MAIL

**ATTORNEY OR
REPRESENTATIVE**

ADDRESS
 CITY, STATE, ZIP
 TELEPHONE ext.
 FAX
 E-MAIL

3. INCUMBENT BARGAINING REPRESENTATIVE *Indicate one.*

☐ The employees involved are not currently represented for bargaining; OR ☐ The employees involved are currently represented by the organization below:

ORGANIZATION

CONTACT PERSON
 ADDRESS
 CITY, STATE, ZIP
 TELEPHONE ext.
 FAX
 E-MAIL

**ATTORNEY OR
REPRESENTATIVE**

ADDRESS
 CITY, STATE, ZIP
 TELEPHONE ext.
 FAX
 E-MAIL

4. COLLECTIVE BARGAINING AGREEMENT *Indicate one.*

☐ The parties have never had a contract; OR ☐ A copy of the parties' current (or most recent) collective bargaining agreement is attached.

5. SHOWING OF INTEREST

A petition filed by an organization or employees must be accompanied by a showing of interest indicating that the petitioner has the support of 30% or more of the employees in the bargaining unit.

6. BARGAINING UNIT**EMPLOYER'S PRINCIPAL BUSINESS****DEPARTMENT OR DIVISION INVOLVED****NUMBER OF
EMPLOYEES IN UNIT**

DESCRIPTION OF UNIT *Indicate inclusions, exclusions, contract page or case/decision number.*

7. DESIGNATION OF REQUEST *Indicate one.*

- ☐ **RECOGNITION REQUEST.** The petitioner requests certification as exclusive bargaining representative of the bargaining unit.
- ☐ **CHANGE OF REPRESENTATIVE.** The employees in the bargaining unit desire to designate the petitioner as their exclusive bargaining representative.
- ☐ **DECERTIFICATION.** The employees in the bargaining unit no longer desire to be represented by any employee organization.
- ☐ **EMPLOYER PETITION - DEMAND FOR RECOGNITION.** The employer has been presented with one or more demands for recognition (per attached documentation) and requests a determination by the Commission.
- ☐ **EMPLOYER PETITION - INCUMBENCY QUESTIONED.** The employer has a good faith belief (per attached documentation) that a majority of employees no longer desire representation by the incumbent exclusive bargaining representative.

8. OTHER RELEVANT FACTS *Indicate, if applicable.*

- ☐ Additional information is set forth on separate sheets of paper attached to this petition

9. AUTHORIZED SIGNATURE FOR PETITIONER

PRINT NAME TITLE
 SIGNATURE DATE

INSTRUCTIONS FOR REPRESENTATION FORM**{Do not file this sheet with PERC}**

A. RULES The Public Employment Relations Commission (PERC) processes representation cases under Chapters 391-25, 391-08 and 10-08 WAC. Those rules are available from PERC at (360) 570-7300 or on the web at www.perc.wa.gov.

B. WHO CAN FILE Employee organizations can file petitions for units where they seek to be certified as exclusive bargaining representative. Individual employees only have legal standing to seek "decertification" of their existing exclusive bargaining representative. Employers can only file petitions under limited circumstances.

C. WHEN TO FILE The party filing a representation petition must comply with time limitations specified in WAC 391-25-030. Where neither a "contract bar" nor a "certification bar" is in effect, a petition may be filed at any time.

CONTRACT BAR – If a valid collective bargaining agreement is in effect, a petition involving any or all of the employees covered by that contract will be timely only if it is filed during the "window" period not more than 90 nor less than 60 days prior to the stated expiration date of the contract. For state civil service employees, the "window" period is not more than 120 nor less than 90 days before the expiration date of the contract. For this purpose:

- The agreement must cover a bargaining unit that is appropriate under the terms of the applicable statute.
- The agreement must be in writing, and must be signed by the parties' representatives.
- The agreement must contain a fixed expiration date not less than 90 days after it was signed.
- The agreement will only operate as a bar for the first three years after its effective date.
- An agreement to extend or replace a collective bargaining agreement shall not bar a petition filed in the "window" period of the previous agreement.
- A "protected" period is in effect from the end of a "window" period through contract expiration, and a successor agreement negotiated by the employer and incumbent exclusive bargaining representative during that period will bar a petition under this chapter.

CERTIFICATION BAR – When PERC issues a certification, a petition involving the same bargaining unit or any subdivision of that unit will only be timely if it is filed more than 12 months after the certification of an exclusive bargaining representative or more than 12 months following the latest election or cross-check in which the employees failed to select an exclusive bargaining representative.

D. SHOWING OF INTEREST There is no PERC form for "showing of interest" documents, but the rules include:

WAC 391-25-110 SUPPORTING EVIDENCE -- SHOWING OF INTEREST CONFIDENTIAL. (1) A petition filed by employees or an employee organization shall be accompanied by a showing of interest indicating that the petitioner has the support of thirty percent or more of the employees in the bargaining unit which the petitioner claims to be appropriate. *The showing of interest shall be furnished under the same timeliness standards applicable to the petition, and shall consist of original or legible copies of individual authorization cards or letters signed and dated by employees in the bargaining unit claimed appropriate.* . . .

(emphasis added). To protect their confidentiality, showing of interest materials cannot be filed by fax or e-mail.

E. FORM Fill in all blanks on the form for which you have information (you are not required to know what representative another party will use).

EMPLOYER Each case must arise out of an employment relationship with a named "Employer" that is subject to PERC jurisdiction.

PETITIONER The "Petitioner" is the employee, employee organization, or employer that is filing the petition.

INCUMBENT If an organization currently represents the employees, list it as the "Incumbent Bargaining Representative" on the form. If the petitioner knows of other organizations which claim, or may claim, to represent the employees involved, ATTACH ADDITIONAL SHEETS containing the name(s), address(es), names of principal representative(s) and telephone number(s) of all such organizations.

AGREEMENT ATTACH a copy of the collective bargaining agreement, if one exists (unbound documents are preferred).

SHOWING ATTACH the showing of interest to the original petition only. The showing will be kept confidential throughout and after all case processing.

BARGAINING UNIT

- C Employer business examples are: City, County, State Agency, School District, Community College, University, Port District.
- C Department examples are: Police, Fire, Public Works, Corrections, Transportation, Multi-department, Employer-wide.
- C Indicate the number of employees in the bargaining unit.
- C Describe the bargaining unit by listing the types of employees to be included (such as "all law enforcement officers," "all fire fighters," "all operations and maintenance employees," or "all employees"), and to be excluded (such as "supervisors" or "confidential employees"). Use additional sheets of paper, if necessary.

REQUEST Indicate the type of request which best describes the situation.

OTHER FACTS If more space is needed, ATTACH additional sheets.

F. FILING WITH PERC See WAC 391-08-120(1) and (2). Papers are "filed" only when actually received by PERC by ONE of these methods:

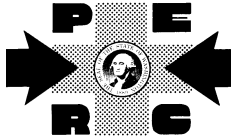
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G. COPIES TO OTHER PARTIES See WAC 391-08-120(3) through (5). A party that files any papers with PERC must give or send a copy to each of the other parties to the case. Service on other parties shall be completed no later than the day the document is filed with PERC.

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H. NORMAL CASE PROCESSING The steps that usually occur in representation cases are described in materials available under the "SERVICES" tab on the PERC website: www.perc.wa.gov.

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REQUEST TO PROCEED WITH QUESTION CONCERNING REPRESENTATION

Instructions: Other side of this form (page 2)

Applicable Rule: WAC 391-25-370.

1. UNFAIR LABOR PRACTICE PROCEEDINGS

A complaint charging unfair labor practices is currently pending before the Commission under Chapter 391-45 WAC, as follows:

CASE NUMBER - U -

EMPLOYER

COMPLAINANT

RESPONDENT

2. REPRESENTATION PROCEEDINGS

A representation petition is currently pending before the Commission under Chapter 391-25 WAC, as follows:

CASE NUMBER - E -

EMPLOYER

PETITIONER

INTERVENOR

INTERVENOR

3. BLOCKING CHARGE

The processing of the representation case has been suspended (or is subject to suspension) under the following rule:

WAC 391-25-370 BLOCKING CHARGES – SUSPENSION OF PROCEEDINGS – REQUEST TO PROCEED. (1) The executive director may suspend the processing of a representation petition under this chapter pending the outcome of related unfair labor practice proceedings, where:

(a) A complaint charging unfair labor practices is filed under the provisions of chapter 391-45 WAC; and

(b) It appears that the facts as alleged may constitute an unfair labor practice; and

(c) Such unfair labor practice could improperly affect the outcome of a representation election.

(2) The complainant(s) in the unfair labor practice case may file and serve, as required by WAC 391-08-120, a written request to proceed with the executive director. The request to proceed shall specify the case number of the representation proceeding, shall request that the representation petition be processed notwithstanding the pending unfair labor practice case, and shall waive the right to file objections under WAC 391-25-590 (1)(a) based on conduct alleged in the unfair labor practice case. Upon the filing of a request to proceed under this subsection, the executive director shall resume the processing of the representation petition and shall summarily dismiss any objections filed in conflict with the request to proceed.

....

4. WAIVER OF RIGHT TO FILE ELECTION OBJECTIONS

As a party to the representation case, the complainant in the unfair labor practice case hereby requests the Commission to proceed with the processing of the representation case and waives its right to file (and acknowledges that the Commission will not process) any objections in the representation case under WAC 391-25-590 based upon the conduct alleged in the unfair labor practice case identified above.

5. AUTHORIZED SIGNATURE FOR UNFAIR LABOR PRACTICE COMPLAINANT

PRINT NAME

TITLE

SIGNATURE

DATE

INSTRUCTIONS FOR REQUEST TO PROCEED FORM***{Do not file this sheet with PERC}***

- A. RULES** The Public Employment Relations Commission (PERC) processes representation cases under Chapters 391-25, 391-08 and 10-08 WAC; and processes unfair labor practice cases under Chapters 391-45, 391-08 and 10-08 WAC. Those rules are available from PERC at (360) 570-7300 or on the web at www.perc.wa.gov.
- B. OBJECTIONS IN REPRESENTATION PROCEEDINGS** Proceedings under Chapter 391-25 WAC focus on the creation or termination of bargaining relationships. PERC maintains "laboratory conditions" for employees to implement their statutory right to select or decertify an exclusive bargaining representative. The objections procedures of WAC 391-25-590 are limited to the types of conduct prohibited by WAC 391-25-470 and WAC 391-25-490, and the remedies for objections are limited to vacating the election result.
- C. UNFAIR LABOR PRACTICE PROCEEDINGS** Claims of interference, domination, discrimination or refusal to bargain must be resolved through unfair labor practice proceedings under Chapter 391-45 WAC. Any unfair labor practice committed while a representation petition involving the same employees is pending before PERC could constitute a basis for objections under WAC 391-25-590.
- D. "BLOCKING CHARGE" POLICY** PERC routinely suspends the processing of representation cases until any related unfair labor practice allegations involving the same employees have been ruled upon and any violations have been remedied. The employees will then be free to exercise their statutory rights under the "laboratory conditions" maintained in representation cases.
- E. REQUEST TO PROCEED EXCEPTION** In some situations, the complainant in an unfair labor practice case will be willing to take its chances on the outcome of a representation election or cross-check, regardless of its unfair labor practice claims. A party making a "Request to Proceed" must waive the right to file objections under WAC 391-25-590. Such waivers must be the voluntary act of the complainant.
- F. FILING WITH PERC** See WAC 391-08-120(1) and (2). Papers are "filed" only when actually received by PERC by ONE of these methods:
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 - File by fax to (360) 570-7334 PLUS mail the original papers to PERC's Olympia office on the same day.
 - File by e-mail attachment to filing@perc.wa.gov PLUS mail the original papers to PERC's Olympia office on the same day.
- G. COPIES TO OTHER PARTIES** See WAC 391-08-120(3) through (5). A party that files any papers with PERC must give or send a copy to each of the other parties to the case. Service on other parties shall be completed no later than the day the document is filed with PERC.
- Service may be made personally, and is completed when delivered in the manner provided in RCW 4.28.080.
 - Service may be made by first class, registered, or certified mail, and is completed upon deposit in the United States mail (properly addressed with postage prepaid).
 - Service may be made by commercial parcel delivery company, and is completed upon delivery to the parcel delivery company (properly addressed with charges prepaid).
 - Service may be made by fax, and is completed when the sender's fax machine produces a confirmation of transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).
 - Service may be made by e-mail attachment, and is completed upon transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).
- On the same day that service is completed, the person who completed the service must either: (1) obtain an acknowledgment of service from the person who accepted personal service; or (2) make a certificate of service stating the date of service and the method of service.
- H. NORMAL CASE PROCESSING** The steps that usually occur in representation cases are described in materials available under the "SERVICES" tab on the PERC website: www.perc.wa.gov.



PUBLIC EMPLOYMENT RELATIONS COMMISSION

Street: 112 Henry Street NE, Suite 300, Olympia, WA 98506
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REQUEST FOR GRIEVANCE MEDIATION

Instructions: Other side of this form (page 2)

Applicable Rules: Chapters 391-08 and 391-55 WAC.

- 1. PARTIES** The employer and/or employee organization request mediation services for certain issues arising out of a grievance concerning interpretation or application of an existing collective bargaining agreement.

EMPLOYER

CONTACT PERSON

ADDRESS

CITY, STATE, ZIP

TELEPHONE

ext.

FAX

E-MAIL

**ATTORNEY OR
REPRESENTATIVE**

ADDRESS

CITY, STATE, ZIP

TELEPHONE

ext.

FAX

E-MAIL

EMPLOYEE**ORGANIZATION**

CONTACT PERSON

ADDRESS

CITY, STATE, ZIP

TELEPHONE

ext.

FAX

E-MAIL

**ATTORNEY OR
REPRESENTATIVE**

ADDRESS

CITY, STATE, ZIP

TELEPHONE

ext.

FAX

E-MAIL

EMPLOYER'S PRINCIPAL BUSINESS**DEPARTMENT OR DIVISION INVOLVED****NUMBER OF
EMPLOYEES INVOLVED****DESCRIPTION OF BARGAINING UNIT** *Indicate inclusions, exclusions, contract page or case/decision number.***COLLECTIVE BARGAINING AGREEMENT** *A copy of the parties' current (or most recent) collective bargaining agreement is attached.***ARBITRATOR'S DECISION** The parties agree that any unresolved issues shall be submitted to an arbitrator for final and binding decision enforceable by a court.**ECONOMIC ACTION WITHHELD** The parties recognize that mediation and arbitration are a substitute for economic action, and agree that there shall be no strike or lockout on any matter submitted for grievance mediation.

- 2. GRIEVANCE** The grievance to be submitted to the mediator is as follows:

- 3. DESIGNATION OF REQUEST** The mediation services requested from the Commission are as follows:

☐ JOINT REQUEST FOR ASSIGNMENT OF A MEDIATOR FROM THE COMMISSION'S STAFF; OR

☐ SUPPLY A LIST OF NAMES FROM THE DISPUTE RESOLUTION PANEL CREATED UNDER WAC 391-55-110.

4. AUTHORIZED SIGNATURES

FOR EMPLOYER

PRINT NAME

TITLE

SIGNATURE

DATE

FOR EMPLOYEE ORGANIZATION

PRINT NAME

TITLE

SIGNATURE

DATE

INSTRUCTIONS FOR GRIEVANCE MEDIATION FORM***{Do not file this sheet with PERC}***

- A. RULES** The Public Employment Relations Commission (PERC) provides grievance mediation services under Chapters 391-55 and 391-08 WAC. Those rules are available from PERC at (360) 570-7300 or on the web at www.perc.wa.gov.
- B. WHO CAN FILE** Only the employer and/or the exclusive bargaining representative (the parties to the collective bargaining agreement) can file or process a grievance mediation case. Individual employees do not have legal standing to file or process these cases.
- C. FORM** Fill in all blanks on the form for which you have information (you are not required to know what representative another party will use).

PARTIES

- C The "Employer" must be a party to the collective bargaining agreement under which the grievance is to be mediated.
- C The "Employee Organization" must be the other party to the collective bargaining agreement under which the grievance arises.
- C Employer business examples are: City, County, State Agency, School District, Community College, University, Port District.
- C Department examples are: Police, Fire, Public Works, Corrections, Transportation, Multi-department, Employer-wide.
- C Indicate the number of employees in the bargaining unit.
- C Describe the bargaining unit by listing the types of employees included and excluded, OR insert the number of the contract page where the recognition clause is found, OR insert the case number or decision number from the latest PERC certification or unit clarification.
- C ATTACH a copy of the collective bargaining agreement under which the dispute arises (unbound documents are preferred).

GRIEVANCE Describe the dispute. If more space is needed, ATTACH ADDITIONAL SHEETS containing the information.

REQUEST Indicate the nature of the request:

STAFF MEDIATORS – PERC assigns members of its staff to mediate grievances, without charge to the parties. Grievance mediation services are subject to interruption or delay, however, if the staff member is assigned other cases of a higher priority.

DISPUTE RESOLUTION PANEL – PERC maintains a list of independent professionals qualified to act as mediators of labor-management disputes. See WAC 391-55-110. PERC supplies lists of Dispute Resolution Panel members upon request of parties, without charge to the parties. Referrals are generated at random, selected by computer. To reduce the need for parties to request additional lists when one or more listed panel members is unavailable, PERC routinely supplies two more names than are requested by the parties. What the parties do with the extra names is left entirely to the parties. PERC does not become involved in arrangements between parties and Dispute Resolution Panel members, and all fees and expenses charged by selected Dispute Resolution Panel members are the responsibility of the parties.

D. COMMUNICATIONS

FILING WITH PERC See WAC 391-08-120(1) and (2). Mediation requests and other papers concerning the processing of a case are "filed" only when actually received by PERC by ONE of these methods:

- Take or send the papers to PERC's Olympia office (street and mailing addresses at top of form).
- File by fax to (360) 570-7334 PLUS mail the original papers to PERC's Olympia office on the same day.
- File by e-mail attachment to filing@perc.wa.gov PLUS mail the original papers to PERC's Olympia office on the same day.

COPIES TO OTHER PARTIES See WAC 391-08-120(3) through (5). A party that files a mediation request or other paper concerning the processing of a case with PERC must give or send a copy to each of the other parties to the case. Service on other parties shall be completed no later than the day the document is filed with PERC.

- Service may be made personally, and is completed when delivered in the manner provided in RCW 4.28.080.
- Service may be made by first class, registered, or certified mail, and is completed upon deposit in the United States mail (properly addressed with postage prepaid).
- Service may be made by commercial parcel delivery company, and is completed upon delivery to the parcel delivery company (properly addressed with charges prepaid).
- Service may be made by fax, and is completed when the sender's fax machine produces a confirmation of transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).
- Service may be made by e-mail attachment, and is completed upon transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).

On the same day that service is completed, the person who completed the service must either: (1) obtain an acknowledgment of service from the person who accepted personal service; or (2) make a certificate of service stating the date of service and the method of service.

CONFIDENTIALITY IN MEDIATION Once a mediator is assigned, parties may exchange proposals and related materials with the mediator privately. In order to protect the confidential nature of the mediation process, PERC rules prohibit disclosure to any person of papers kept by any member of the Commission or its staff as a record of communications made or received while acting in the capacity of mediator between the parties to a labor dispute. See WAC 391-08-810. Additionally, no subpoena shall be issued or given effect to require the attendance and testimony of, or the production of evidence by, any member of the Commission or any member of the PERC staff. See WAC 391-08-310.

- E. AGREEMENT TO ARBITRATE** The availability of PERC's grievance mediation services is limited to cases in which the parties have agreed in advance that any unresolved issues which either party desires to pursue further will be submitted to an arbitrator for a final and binding determination.
- F. NORMAL CASE PROCESSING** A mediator may meet with the parties jointly or separately, and take other appropriate steps to persuade the parties to resolve their differences and reach an agreement. A mediator works without power of compulsion. The steps that usually occur in grievance mediation are described in materials available under the "SERVICES" tab on the PERC website: www.perc.wa.gov.



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REQUEST FOR MEDIATION

Instructions: Other side of this form (page 2)

Applicable Rules: Chapters 391-08 and 391-55 WAC.

1. PARTIES The employer and/or employee organization request mediation for issues arising in negotiations for a collective bargaining agreement.

EMPLOYER	ATTORNEY OR REPRESENTATIVE
CONTACT PERSON	ADDRESS
ADDRESS
.....
CITY, STATE, ZIP	CITY, STATE, ZIP
TELEPHONE ext.	TELEPHONE ext.
FAX	FAX
E-MAIL	E-MAIL
EMPLOYEE ORGANIZATION	ATTORNEY OR REPRESENTATIVE
CONTACT PERSON	ADDRESS
ADDRESS
.....
CITY, STATE, ZIP	CITY, STATE, ZIP
TELEPHONE ext.	TELEPHONE ext.
FAX	FAX
E-MAIL	E-MAIL

2. BARGAINING UNIT	EMPLOYER'S PRINCIPAL BUSINESS	DEPARTMENT OR DIVISION INVOLVED	NUMBER OF EMPLOYEES IN UNIT
DESCRIPTION OF BARGAINING UNIT <i>Indicate inclusions, exclusions, contract page or case/decision number.</i>			

COLLECTIVE BARGAINING AGREEMENT *Indicate one.*

- ☐ The parties have never had a contract; OR
- ☐ A copy of the parties' current (or most recent) collective bargaining agreement is attached.

HISTORY *Fill in.*

This bargaining relationship has existed since

Date of first meeting in current negotiations

Number of meetings in current negotiations

Do both parties concur in requesting mediation? ☐ YES ☐ NO

3. ISSUES IN DISPUTE The specific issues in dispute, and the parties' positions on those issues, are:

4. AUTHORIZED SIGNATURES

FOR EMPLOYER

PRINT NAME _____ TITLE _____

SIGNATURE _____ DATE _____

FOR EMPLOYEE ORGANIZATION

PRINT NAME _____ TITLE _____

SIGNATURE _____ DATE _____

INSTRUCTIONS FOR MEDIATION FORM***{Do not file this sheet with PERC}***

A. RULES The Public Employment Relations Commission (PERC) provides mediation services under Chapters 391-55 and 391-08 WAC. Those rules are available from PERC at (360) 570-7300 or on the web at www.perc.wa.gov.

B. WHO CAN FILE Only the employer and/or the exclusive bargaining representative can request mediation for their contract negotiations. Individual employees do not have legal standing to file or process these cases.

C. FORM Fill in all blanks on the form for which you have information (you are not required to know what representative another party will use).

PARTIES

- The "Employer" must be a party to the collective bargaining negotiations to be mediated.
- The "Employee Organization" must be the other party to the collective bargaining negotiations to be mediated.

BARGAINING UNIT

- Employer business examples are: City, County, State Agency, School District, Community College, University, Port District.
- Department examples are: Police, Fire, Public Works, Corrections, Transportation, Multi-department, Employer-wide.
- Insert the number of employees in the bargaining unit.
- Describe the bargaining unit by listing the types of employees included and excluded, OR insert the number of the contract page where the recognition clause is found, OR insert the case number or decision number from the latest PERC certification or unit clarification.
 - Submit a separate mediation request for each bargaining unit that will separately ratify and sign a collective bargaining agreement.
 - Submit a separate mediation request for each bargaining unit eligible for factfinding or interest arbitration under a statute, even if the negotiations for that unit may be consolidated with negotiations for other units up to the point where an impasse is reached.
- ATTACH a copy of the parties' current or latest collective bargaining agreement, if any (unbound documents are preferred).
- Indicate the approximate year the parties' bargaining relationship commenced. For current negotiations, enter the approximate month and year of the first meeting and total number of meetings. Answer whether both parties concur in requesting mediation.

ISSUES IN DISPUTE Describe the disputed issues. If more space is needed, ATTACH ADDITIONAL SHEETS containing the information.

D. COMMUNICATIONS

FILING WITH PERC See WAC 391-08-120(1) and (2). Mediation requests and other papers concerning the processing of a case are "filed" only when actually received by PERC by ONE of these methods:

- Take or send the papers to PERC's Olympia office (street and mailing addresses at top of form).
- File by fax to (360) 570-7334 PLUS mail the original papers to PERC's Olympia office on the same day.
- File by e-mail attachment to filing@perc.wa.gov PLUS mail the original papers to PERC's Olympia office on the same day.

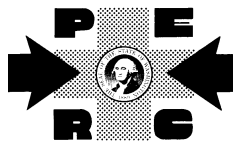
COPIES TO OTHER PARTIES See WAC 391-08-120(3) through (5). A party that files a mediation request or other paper concerning the processing of a case with PERC must give or send a copy to each of the other parties to the case. Service on other parties shall be completed no later than the day the document is filed with PERC.

- Service may be made personally, and is completed when delivered in the manner provided in RCW 4.28.080.
- Service may be made by first class, registered, or certified mail, and is completed upon deposit in the United States mail (properly addressed with postage prepaid).
- Service may be made by commercial parcel delivery company, and is completed upon delivery to the parcel delivery company (properly addressed with charges prepaid).
- Service may be made by fax, and is completed when the sender's fax machine produces a confirmation of transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).
- Service may be made by e-mail attachment, and is completed upon transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).

On the same day that service is completed, the person who completed the service must either: (1) obtain an acknowledgment of service from the person who accepted personal service; or (2) make a certificate of service stating the date of service and the method of service.

CONFIDENTIALITY IN MEDIATION Once a mediator is assigned, parties may exchange proposals and related materials with the mediator privately. In order to protect the confidential nature of the mediation process, PERC rules prohibit disclosure to any person of papers kept by any member of the Commission or its staff as a record of communications made or received while acting in the capacity of mediator between the parties to a labor dispute. See WAC 391-08-810. Additionally, no subpoena shall be issued or given effect to require the attendance and testimony of, or the production of evidence by, any member of the Commission or any member of the PERC staff. See WAC 391-08-310.

E. NORMAL CASE PROCESSING A mediator may meet with the parties jointly or separately, and take other appropriate steps to persuade the parties to resolve their differences and reach an agreement. A mediator works without power of compulsion. The steps that usually occur in the mediation of contract negotiations are described in materials available under the "SERVICES" tab on the PERC website: www.perc.wa.gov.

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DO NOT WRITE IN THIS SPACE

PETITION FOR RULING ON NONASSOCIATION CLAIM

☐ Amended Petition in Case - N -

Instructions: Other side of this form (page 2) Applicable Rules: Chapters 10-08, 391-08, and 391-95 WAC.

1. PARTIES The employee has asserted a right of nonassociation regarding union security obligations based on bona fide religious tenets or teachings.

EMPLOYER	ATTORNEY OR REPRESENTATIVE
CONTACT PERSON	ADDRESS
ADDRESS
CITY, STATE, ZIP	CITY, STATE, ZIP
TELEPHONE ext.	TELEPHONE ext.
FAX	FAX
E-MAIL	E-MAIL
EMPLOYEE ORGANIZATION	ATTORNEY OR REPRESENTATIVE
CONTACT PERSON	ADDRESS
ADDRESS
CITY, STATE, ZIP	CITY, STATE, ZIP
TELEPHONE ext.	TELEPHONE ext.
FAX	FAX
E-MAIL	E-MAIL
EMPLOYEE	ATTORNEY OR REPRESENTATIVE
ADDRESS	ADDRESS
CITY, STATE, ZIP	CITY, STATE, ZIP
TELEPHONE ext.	TELEPHONE ext.
FAX	FAX
E-MAIL	E-MAIL

2. RELATIONSHIPS	EMPLOYER'S PRINCIPAL BUSINESS	DEPARTMENT OR DIVISION INVOLVED
DESCRIPTION OF BARGAINING UNIT <i>Indicate inclusions, exclusions, contract page or case/decision number.</i>		

COLLECTIVE BARGAINING AGREEMENT *A copy of the parties' current (or most recent) collective bargaining agreement is attached.*

3. MATTERS IN DISPUTE <i>Indicate one or both.</i> <input type="checkbox"/> Eligibility of employee to assert right of nonassociation (<i>fill in item 4</i>). <input type="checkbox"/> Designation of charity to receive alternative payments (<i>fill in item 5</i>).		4. DESIGNATION OF REQUEST <i>Indicate one.</i> <input type="checkbox"/> PERSONAL RELIGIOUS BELIEFS constitute the basis for the claimed right of nonassociation; OR <input type="checkbox"/> TEACHINGS OF A CHURCH OR RELIGIOUS BODY identified below, constitute the basis for the claimed right of nonassociation: CHURCH/BODY CONTACT PERSON ADDRESS CITY, STATE, ZIP TELEPHONE FAX E-MAIL
5. DESIGNATION OF CHARITY The charity to which the employee proposes to make alternative payments is: CHARITY CONTACT PERSON ADDRESS CITY, STATE, ZIP TELEPHONE FAX E-MAIL		
6. ESCROW Is the employer holding the disputed funds? <input type="checkbox"/> YES <input type="checkbox"/> NO	7. OTHER RELEVANT FACTS <i>Indicate if applicable.</i> <input type="checkbox"/> Employee gave notice to employee organization of claim of nonassociation under WAC 391-95-030 on <input type="checkbox"/> Additional information is set forth on separate sheets attached to this petition.	
8. PETITIONER <i>Indicate one.</i> <input type="checkbox"/> Petition is filed by or on behalf of the employee. <input type="checkbox"/> Petition is filed by or on behalf of the employee organization.		9. AUTHORIZED SIGNATURE FOR PETITIONER PRINT NAME TITLE SIGNATURE DATE

INSTRUCTIONS FOR NONASSOCIATION FORM***{Do not file this sheet with PERC}***

- A. RULES** The Public Employment Relations Commission (PERC) processes nonassociation cases under Chapters 391-95, 391-08, and 10-08 WAC. Those rules are available from PERC at (360) 570-7300 or on the web at www.perc.wa.gov.
- B. LIMITED PROCEEDINGS** Proceedings under Chapter 391-95 WAC are limited to claims concerning assertion of the religious-based right of nonassociation under RCW 28B.52.045(3) (community and technical college faculty), RCW 41.56.122(1) (home care independent providers, technical college and school district classified employees and all employees in local government, port districts, and public utility districts), RCW 41.59.100 (school district certificated employees), RCW 41.76.045 (state institutions of higher education faculty) or RCW 41.80.100 (state civil service and state higher education classified employees).
- C. PRE-PETITION PROCEDURES** WAC 391-95-030 and WAC 391-95-050 require the employee organization and the employee who asserts a right of nonassociation to take some preliminary steps. A petition filed by the employee will be processed if the organization does not comply with the time limits.
- D. WHO MAY FILE** Only the employee seeking nonassociation or the exclusive bargaining representative seeking to enforce a union security obligation can file and process a nonassociation case. Employers do not have legal standing to file or process these cases.
- E. PRESERVATION OF DISPUTED FUNDS** PERC's rules include the following procedure to minimize controversy about disputed funds:

WAC 391-95-130 **ESCROW OF DISPUTED FUNDS BY EMPLOYER.** Upon being served with a copy of a petition filed under WAC 391-95-070, the employer shall preserve the status quo by withholding and retaining the disputed dues for periods during the pendency of the proceedings before the commission. Funds held in escrow shall draw interest at the rate provided by commercial banks for regular passbook savings accounts. While the proceedings remain pending before the commission, the employer shall not honor or otherwise act upon any request for discharge or other action against the affected employee based on the employee's union security obligations. This section shall be applicable to employees covered by chapter 41.56 RCW only upon the employee submitting to the employer a signed authorization for the deduction and escrow of disputed funds.

- F. FORM** Fill in all blanks on the form for which you have information (you are not required to know what representative another party will use).

PARTIES

- C Each case must arise out of an employment relationship with a named "Employer" that is subject to PERC jurisdiction. Information about the employer is needed, even though the employer is not directly involved in the dispute.
- C The "Employee Organization" is the organization which is seeking to enforce union security obligations.
- C The "Employee" is the individual employee who claims a right of nonassociation. File a separate petition for each individual claimant.

RELATIONSHIPS

- C Employer business examples are: City, County, State Agency, School District, Community College, University, Port District.
- C Department examples are: Police, Fire, Public Works, Corrections, Transportation, Multi-department, Employer-wide.
- C Describe the bargaining unit by listing the types of employees included and excluded, OR insert the number of the contract page where the recognition clause is found, OR insert the case number or decision number from the latest PERC certification or unit clarification.
- C ATTACH a copy of the collective bargaining agreement under which the dispute arises (unbound documents are preferred).

MATTERS IN DISPUTE Mark one or both of the boxes provided. Other issues cannot be addressed in proceedings under Chapter 391-95 WAC.

PETITIONER Mark only one of the boxes. The employer has no beneficial interest in, and cannot initiate, proceedings under Chapter 391-95 WAC.

- G. FILING WITH PERC** See WAC 391-08-120(1) and (2). Papers are "filed" only when actually received by PERC by ONE of these methods:

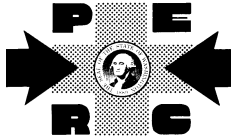
- Take or send the papers to PERC's Olympia office (street and mailing addresses at top of form).
- File by fax to (360) 570-7334 PLUS mail the original papers to PERC's Olympia office on the same day.
- File by e-mail attachment to filing@perc.wa.gov PLUS mail the original papers to PERC's Olympia office on the same day.

- H. COPIES TO OTHER PARTIES** See WAC 391-08-120(3) through (5). A party that files any papers with PERC must give or send a copy to each of the other parties to the case. Service on other parties shall be completed no later than the day the document is filed with PERC.

- Service may be made personally, and is completed when delivered in the manner provided in RCW 4.28.080.
- Service may be made by first class, registered, or certified mail, and is completed upon deposit in the United States mail (properly addressed with postage prepaid).
- Service may be made by commercial parcel delivery company, and is completed upon delivery to the parcel delivery company (properly addressed with charges prepaid).
- Service may be made by fax, and is completed when the sender's fax machine produces a confirmation of transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).
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On the same day that service is completed, the person who completed the service must either: (1) obtain an acknowledgment of service from the person who accepted personal service; or (2) make a certificate of service stating the date of service and the method of service.

- I. NORMAL CASE PROCESSING** The steps that usually occur in nonassociation cases are described in materials available under the "SERVICES" tab on the PERC website: www.perc.wa.gov.

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COMPLAINT CHARGING UNFAIR LABOR PRACTICES

☐ Amended Complaint in Case - U -

Instructions: Other side of this form (page 2)

Applicable Rules: Chapters 10-08, 391-08, and 391-45 WAC.

1. PARTIES The complainant alleges the respondent has committed unfair labor practices in violation of the laws of the state of Washington.**EMPLOYER**

CONTACT PERSON

ADDRESS

CITY, STATE, ZIP

TELEPHONE

ext.

FAX

E-MAIL

**ATTORNEY OR
REPRESENTATIVE**

ADDRESS

CITY, STATE, ZIP

TELEPHONE

ext.

FAX

E-MAIL

RESPONDENT

CONTACT PERSON

ADDRESS

CITY, STATE, ZIP

TELEPHONE

ext.

FAX

E-MAIL

**ATTORNEY OR
REPRESENTATIVE**

ADDRESS

CITY, STATE, ZIP

TELEPHONE

ext.

FAX

E-MAIL

COMPLAINANT

CONTACT PERSON

ADDRESS

CITY, STATE, ZIP

TELEPHONE

ext.

FAX

E-MAIL

**ATTORNEY OR
REPRESENTATIVE**

ADDRESS

CITY, STATE, ZIP

TELEPHONE

ext.

FAX

E-MAIL

2. STATEMENT OF FACTS Attach separate sheets setting forth clear and concise statements of the facts constituting the unfair labor practices (including times, dates, places and participants in occurrences) in numbered paragraphs.

3. REMEDY REQUESTED: Attach separate sheets setting forth the remedies requested for the claimed unfair labor practices.
4. RELATIONSHIPS**COLLECTIVE BARGAINING AGREEMENT** Indicate below.
☐ The parties have never had a contract; OR ☐ A copy of the parties' current (or most recent) collective bargaining agreement is attached.
STATUS OF GRIEVANCE PROCEEDINGS Indicate.
☐ No grievance has been filed on the dispute involved in this unfair labor practice complaint. ☐ An arbitration award has been issued on a grievance related to this unfair labor practice complaint. ☐ A grievance on the dispute involved in this unfair labor practice complaint is being processed under a contractual grievance procedure.
DESCRIPTION OF BARGAINING UNIT Indicate inclusions, exclusions, contract page or case/decision number.**EMPLOYER'S PRINCIPAL BUSINESS****DEPARTMENT OR DIVISION INVOLVED**
**NUMBER OF
EMPLOYEES
IN UNIT**
.....
5. ALLEGED VIOLATION(S) Indicate all that apply (see definitions in instructions).

- ☐ EMPLOYER INTERFERENCE WITH EMPLOYEE RIGHTS
☐ EMPLOYER DOMINATION OR ASSISTANCE OF UNION
☐ EMPLOYER DISCRIMINATION
☐ EMPLOYER DISCRIMINATION FOR FILING CHARGES
☐ EMPLOYER REFUSAL TO BARGAIN

- ☐ UNION INTERFERENCE WITH EMPLOYEE RIGHTS
☐ UNION INDUCING EMPLOYER TO COMMIT VIOLATION
☐ UNION DISCRIMINATION FOR FILING CHARGES
☐ UNION REFUSAL TO BARGAIN
☐ OTHER UNFAIR LABOR PRACTICE (Explain and specify statute on sheet of paper attached to this form.)

**6. AUTHORIZED SIGNATURE
FOR COMPLAINANT**

PRINT NAME

TITLE

SIGNATURE

DATE

INSTRUCTIONS FOR UNFAIR LABOR PRACTICE FORM***{Do not file this sheet with PERC}***

A. RULES The Public Employment Relations Commission (PERC) processes unfair labor practice cases under Chapters 391-45, 10-08, and 391-08 WAC. Those rules are available from PERC at (360) 570-7300 or on the web at www.perc.wa.gov.

B. WHO CAN FILE An employee organization can file and process a complaint concerning employees it represents or is seeking to organize. An employer can file and process a complaint against a union that represents or is seeking to organize its employees. Individual employees can file and process complaints alleging "interference" or "domination" or "discrimination" violations, but do not have legal standing to file or process "refusal to bargain" claims.

C. FORM Fill in all blanks for which you have information (you are not required to know what representative another party will use).

PARTIES

- Each case must arise out of an employment relationship with a named "Employer" that is subject to PERC jurisdiction.
- The "Respondent" is the employer or organization accused of committing an unfair labor practice. (You must file a separate complaint for each respondent.)
- The "Complainant" is the employee, organization, or employer who files a complaint with PERC. (An organization may file a complaint on behalf of a group of employees, but individual employees with similar claims must each file their own separate complaints with PERC.)

STATEMENT OF FACTS ATTACH a statement of facts on separate sheets, setting forth clear and concise statements of the facts constituting the alleged unfair labor practices (including times, dates, places and participants in occurrences). Use numbered paragraphs.

REMEDY REQUESTED ATTACH a remedy request on separate sheets, setting forth the remedies requested for the claimed unfair labor practices.

RELATIONSHIPS

- Employer business examples are: City, County, State Agency, School District, Community College, University, Port District.
- Department examples are: Police, Fire, Public Works, Corrections, Transportation, Multi-department, Employer-wide.
- ATTACH a copy of the collective bargaining agreement, if one exists (unbound documents are preferred).
- Describe the status of any grievance on the same subject as the unfair labor practice complaint.
- Describe the bargaining unit by listing the types of employees included and excluded, OR insert the number of the contract page where the recognition clause is found, OR insert the case number or decision number from the latest PERC certification or unit clarification.
- Insert the number of employees in the bargaining unit.

ALLEGED VIOLATIONS More than one of the following may be checked:

- Employer interference is under RCW 28B.52.073(1)(a); 41.56.140(1); 41.59.140(1)(a); 41.76.050(1)(a); or 41.80.110(1)(a);
- Employer domination is under RCW 28B.52.073(1)(b); 41.56.140(2); 41.59.140(1)(b); 41.76.050(1)(b); or 41.80.110(1)(b);
- Employer discrimination is under RCW 28B.52.073(1)(c); 41.56.140(1); 41.59.140(1)(c); 41.76.050(1)(c); or 41.80.110(1)(c);
- Employer discrimination for filing charges or giving testimony is under RCW 28B.52.073(1)(d); 41.56.140(3); 41.59.140(1)(d); 41.76.050(1)(d); or 41.80.110(1)(d);
- Employer refusal to bargain is under RCW 28B.52.073(1)(e); 41.56.140(4); 41.59.140(1)(e); 41.76.050(1)(e); or 41.80.110(1)(e);
- Union interference is under RCW 28B.52.073(2)(a); 41.56.150(1); 41.59.140(2)(a); 41.76.050(2)(a); or 41.80.110(2)(a);
- Union inducing employer to commit a violation is under RCW 28B.52.073(2)(b); 41.56.150(2); 41.59.140(2)(b); 41.76.050(2)(b); or 41.80.110(2)(b);
- Union discrimination for filing charges or giving testimony is under RCW 28B.52.073(2)(c); 41.56.150(3); 41.59.140(2)(a); 41.76.050(2)(c); or 41.80.110(2)(c);
- Union refusal to bargain is under RCW 28B.52.073(2)(d); 41.56.150(4); 41.59.140(2)(c); 41.76.050(2)(d); or 41.80.110(2)(d).

If more space is needed, ATTACH ADDITIONAL SHEETS.

D. FILING WITH PERC See WAC 391-08-120(1) and (2). Papers are "filed" only when actually received by PERC by ONE of these methods:

- Take or send the papers to PERC's Olympia office (street and mailing addresses at top of form).
- File by fax to (360) 570-7334 PLUS mail the original papers to PERC's Olympia office on the same day.
- File by e-mail attachment to filing@perc.wa.gov PLUS mail the original papers to PERC's Olympia office on the same day.

E. COPIES TO OTHER PARTIES See WAC 391-08-120(3) through (5). A party that files any papers with PERC must give or send a copy to each of the other parties to the case. Service on other parties shall be completed no later than the day the document is filed with PERC.

- Service may be made personally, and is completed when delivered in the manner provided in RCW 4.28.080.
- Service may be made by first class, registered, or certified mail, and is completed upon deposit in the United States mail (properly addressed with postage prepaid).
- Service may be made by commercial parcel delivery company, and is completed upon delivery to the parcel delivery company (properly addressed with charges prepaid).
- Service may be made by fax, and is completed when the sender's fax machine produces a confirmation of transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).
- Service may be made by e-mail attachment, and is completed upon transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).

On the same day that service is completed, the person who completed the service must either: (1) obtain an acknowledgment of service from the person who accepted personal service; or (2) make a certificate of service stating the date of service and the method of service.

F. NORMAL CASE PROCESSING The steps that usually occur in unfair labor practice cases are described in materials available under the "SERVICES" tab on the PERC website: www.perc.wa.gov.